BIRMINGHAM CIVIL DIVISION DIFFERENTIAL CASE MANAGEMENT PLAN

Developed by:

The Committee to Develop a Model Case Management Plan 10th Judicial Circuit - Birmingham Civil Division

> Administrative Office of Courts 817 South Court Street Montgomery, Alabama 36130-0101 Telephone (205) 834-7990

SECTION I INTRODUCTION

On September 8, 1989, Chief Justice Sonny Hornsby appointed a Committee to Develop a Model Case Management Plan for the Civil Division of the Circuit Court of Jefferson County - Birmingham Division. The committee is composed of judges, attorneys, and administrators. Circuit Judge Arthur J. Hanes, Jr., chairs the committee and Alva Caine, President of the Alabama State Bar, is vice chairman of the committee. Technical assistance was provided to the committee by Maureen Solomon, a nationally recognized expert in the field of court administration. Chief Justice Hornsby charged the committee with the development of a model case management plan for future cases and a case management plan to reduce the pending caseload. The committee was further charged with the responsibility of completing the work and having the model case management plan ready for implementation by October 1, 1990, and having the case management plan for reducing the pending inventory ready for implementation by June 1, 1990.

The committee began its work on September 28, 1989, and divided into task forces to address various areas of interest. Three task forces have been active in the development of proposals for consideration by the full committee. The Task Force on Analysis of Pending Caseload was chaired by Circuit Judge Stuart Leach and provided the committee with information on the status of the pending caseload. Alva Caine chaired the Task Force on Early Court Intervention/Differential Case Management which proposed a differential case management plan for the committee's consideration. The Task Force on Discovery Limits, chaired by Lanny S. Vines, developed a proposal for discovery Limits. On January 5, 1990, the committee met to discuss the task force reports. The committee agreed to adopt a differential case management plan and, under advisement of the Birmingham civil division judges, to incorporate an individual calendar system within the plan. It was further agreed by the committee to adopt the proposed discovery limits with revisions.

SECTION 11 DEFINITION OF DIFFERENTIAL CASE MANAGEMENT

The current master calendar system utilized in Birmingham provides for a trial date based primarily on the filing of a certificate of readiness, not on the age of a case, its complexity, or management needs. Almost all court involvement in case management occurs during the final month with the exception of complex cases that are specially set by the pre-trial judge. If a case is not ready for trial when it is called on the master calendar, valuable court time and effort are consumed in dealing with continuances, discovery problems, and other procedural problems.

Differential case management (DCM) is an approach to caseflow supervision which recognizes that all cases are not alike and that the amount and type of court intervention will vary from case to case. By evaluating the likely complexity of each case early, the court can tailor events and preparation time to meet diverse circumstances. DCM offers a predictable, orderly flow for each case from filing to termination to achieve the goals of timely. cost-effective disposition, and equitable high-quality outcome. The essence of DCM is enhancement of the quality of the litigation process and its outcome.

If it is to succeed, DCM must be a collaborative effort of the bench and bar. The court actively assists attorneys to overcome problems in litigation and facilitates case progress. Attorneys cooperate with each other to set realistic timetables and, barring unforeseen problems, are expected to adhere to them

SECTION III PROGRAM STRUCTURE

When all defendants in a case have either answered, had first responsive pleading, received default judgment, or been dismissed, all cases in the Birmingham Civil Division will be assigned to one of three tracks: expedited, standard, or complex. Attorneys will be required to attach a civil case information sheet to each case filed in the civil division. All cases will be randomly assigned to individual judges with the exception of cases assigned to the presiding circuit judge. Accordingly, track assignment and all motions will be heard by the individual judge to whom the case has been assigned. Track assignments are initially based on data contained in the complaint and the civil case information sheet. Attorneys will have the right to petition the court for a change in track assignment if they feel another track is more suited to the management needs of the case. This section of the report will address the policies and procedures for the differential case management program. Policies addressing case assignment, service issues, default judgments, and deposition scheduling are discussed first, since these policies will be uniformly applied to all cases, regardless of track assignment.

Case Assignment

Effective October 1, 1990, cases will be assigned to individual circuit judges in the following manner. All cases will be assigned to individual judges by the computer on a random basis with the exception of the presiding judge's cases The circuit clerk's office will manually assign the following type cases to the presiding circuit judge:

- 1. Walk-through workmen's compensation cases
- 2. Tax Appeals
- 3. Unemployment compensation cases
- 4. Non-jury appeals (if the case later becomes a jury case, it will remain with the presiding circuit judge).

When cases are filed as companion cases, the circuit clerk will manually assign these cases to one judge. The circuit clerk will maintain a rotation list for this purpose. When companion cases are brought to the attention of the court after filing, the judge to whom the first cases was assigned (judge with the oldest case number), will take all of the companion cases.

Service

The Alabama Rules of Civil Procedure require the process server to deliver the process and accompanying documents within 30 days or return the process and copies to the clerk. As such, if service has not been perfected

by the 45th day after filing, the plaintiff will receive a notice for each party in which service has not been perfected. Each week, a computer-generated reporting system will check service for each defendant.

As service is performed on each defendant, the circuit clerk's office will enter the date of service into the civil system data base. Each Wednesday, the clerk's office will execute a program to check each defendant and print a Listing of all defendants without a service date and in which 45 days from the date of filing has expired since the previous Wednesday. Additionally, a computer generated notice (See Attachment 1) will be sent to the plaintiff's attorney(s). This notice will inform the attorney that he has a 30-day period in which to perfect service or the defendant will be dismissed.

During the weekly check, the computer will identify all defendants who have received the above notice, do not have a service date entered and the 30-day period since the no-service notice was sent has expired. Additionally, a computer-generated notice (See Attachment 2) will be sent to the plaintiff's attorney informing him that the defendant has been dismissed. The circuit clerk's office will pull the Case Action Summary Sheet (CAS) for cases in which a defendant will be dismissed. The CAS will be forwarded to the assigned judge for entry of a dismissal order. The judge should return the CAS to the clerk's office promptly for data entry.

Default Judgments

As stated in Rule 12 of the Alabama Rules of Civil Procedure, the defendant has 30 days from date of service to file an answer to the complaint. If the defendant has not filed an answer or other appropriate pleading within 40 days of service, the plaintiff will receive a notice stating that he has 30 days in which to take a default judgment, or the case will be dismissed. A computer generated report Listing all cases without an answer will be requested and notices will be mailed to applicable parties.

When an answer or first responsive pleading from each defendant is received, the circuit clerk's office will enter the answer or first responsive pleading date into the civil system data base. Each Wednesday, the clerk's office will execute a program that will check each defendant who has received service, has no answer or first responsive pleading date, and who has completed the 40-day period since service. Additionally, a computer-generated notice (See Attachment 3) will be sent to the plaintiff's attorney requesting that a default application to be filed within 30 days or the defendant will be dismissed. Applications for default judgment will be forwarded along with the CAS to the assigned judge for entry of the default judgment. In those cases where damages must be proved, the judge will be responsible for ensuring that the proof of damages be completed within ten days from the entry of the default judgment. The judge should return the CAS to the clerk's office promptly for data entry.

Each Wednesday, the circuit clerk will execute a computer program to check each defendant's attorney who has received such notice and look for a default judgment date. A listing will be printed of all defendants whose attorney's have received the above notice, no default judgment has been entered, and a period of 30 days from the notice has been reached.

Additionally, a computer-generated notice (See Attachment 4) will be sent to the plaintiff's attorney informing him that the defendant has been dismissed. The clerk's office will pull the CAS for cases in which a defendant will be dismissed. The CAS will be forwarded to the assigned judge for entry of the dismissal order. The judge should return the CAS to the circuit clerk's office promptly for data entry.

Deposition Scheduling

The following guidelines were agreed upon by the committee to handle the scheduling of depositions. All members of the bar are expected to adhere to these guidelines to facilitate the scheduling of depositions among members of the bar.

An attorney desiring to take a deposition will inform all other attorneys/parties and will make a good faith effort to schedule a mutually agreeable deposition date within 60 days. In the event that a mutual date cannot be agreed upon, the attorney who desires to take the deposition and the attorney representing the party to be deposed or the party whose expert is to be deposed shall agree on a date between the 31st and 60th day and advise all other attorneys who shall be expected to have a representative present for the deposition unless the deposition is continued by order of the court. If the person to be deposed cancels a scheduled deposition for good cause, the same shall be rescheduled in accordance with the foregoing procedures. If the witness cancels a deposition without good cause, the court may place sanctions against the witness.

Track Assignment

A case is determined to be ready for track assignment when all of the defendants in the case have either received service, been dismissed by the above process, or had a default judgment. Each Wednesday, the circuit clerk's office will execute a computer program that will create a listing, sorted by individual judge, of all cases ready for track assignment. Within a seven-day period, the judge should annotate on the report the track assignment and the status conference date and time for standard and complex cases, if desired, and return the document to the clerk's office. Track assignment will be indicated by the entry of E (expedited), S (standard), or C (complex) on the "Ready Report". The judge and his staff will have the option to specify the status conference date and time at the time of track assignment. If the date and time are included with the track assignment, this information will be included on the track assignment notice and will preclude further notice on behalf of the judge's staff. In all other cases, the track assignment code and conference date and time, if applicable, will be entered into the civil data base.

Each Wednesday, the computer will generate notices to all attorneys informing them of the track assignment, discovery cut-offs, judge assigned to the case, anticipated trial dates, and possibly the date and time of status conference (See Attachments 5, 6, and 7). All dates will be computed for

these notices by the computer from the date that the case was determined to be ready for track assignment.

Each party has a period of 10 days from the date of the track assignment notice to file a motion for change of track assignment. This motion should be filed in the circuit clerk's office like other motions. All motions will be forwarded to the assigned judge for action. After ruling on the motion, the judge's staff will provide necessary notice to all parties.

Expedited Track

Typical Cases. The judge will assign cases to tracks based on the complaint and data contained in the civil information sheet. The following types of cases would normally be expected to fall within the expedited track: accounts, collection of bills and notes, commercial matters seeking liquidated damages, actions involving secured transactions, and district court appeals. Cases will be considered ready for track assignment when all defendant(s) have answered, been dismissed, or the plaintiff(s) have taken default judgment. The goal for processing expedited cases is six months.

Track Assignment. Within 7 days of the case being designated as ready, the judge will make the track assignment. All parties will receive a computer-generated notice stating that this case has been assigned to the expedited track. The notice will also contain the discovery limits that both parties must comply with. The case scheduling coordinator of the Court Administrator's Office will set a trial date certain within approximately 100 days from the filing of the defendant's answer or the first responsive pleading.

<u>Discovery Limits</u>. To meet the processing goal and to ensure the ability of the court to move cases through the court in an efficient and effective manner, it will be imperative for the attorneys to comply with the discovery Limits set forth in the DCM Plan. Cases assigned to the expedited track will be subject to the following discovery limits:

No depositions will be allowed with the exception of perpetuation versus discovery depositions. Additionally, a limit of 50 single-part paper discovery request items will be allowed whether involving interrogatories, request for production, or request for admission. All discovery will be completed within 100 days from the date of the track assignment and scheduling notice.

Trial Date Assignment. On a monthly basis, a listing will be provided to each judge of all cases assigned to him during the month which have been assigned to the expedited track. The case scheduling coordinator will also receive a copy of this report. The coordinator will check the date of the track assignment notice and set the case for trial approximately 100 days from this date. The coordinator will search the court calendarfor the 101st day from the action date for potential conflicts among trial settings for the attorneys in the case. The coordinator will set the case on the closest open date for both attorneys and the judge. Each judge will provide the case scheduling coordinator with the number of expedited cases they desire to have set on their weekly docket. The attorneys in both cases will have 10 days to

notify the court of a trial date conflict. If the attorney fails to notify the court, the case will go to trial on the scheduled date and the attorney with the conflict will not be allowed a continuance.

Standard Track

<u>Typical Cases</u>. The following types of cases would be expected to normally fall within the standard track: automobile negligence, personal injury, property damage claims, and certain medical malpractice and Federal Employees Liability Act (FELA) cases. A case will be designated ready for track assignment when all defendant(s) have answered, been dismissed, or the plaintiff(s) have taken default judgment. The case processing goal for standard cases is 12 months.

Track Assignment. Upon being designated ready, the judge will assign the case to a track within 7 days. All parties will receive a notice stating that their case has been assigned to the standard track and the applicable discovery limits. The notice will also inform the attorneys that a status conference will be held for this case within 90 days from the date of the track assignment notice. Standard cases will be set for trial by the judge or the court's designee approximately 300 days from the date of the track assignment notice.

<u>Discovery Limits</u>. To meet the case processing goal and to ensure that discovery is completed in a manner conducive to the timely disposition of the case, the committee sets forth the following discovery limits for standard cases:

Discovery will be limited to six depositions. Additionally, attorneys will be limited to 100 single-part discovery request items whether involving interrogatories, requests for production, or requests for admission. All depositions must be completed within 180 days from the date of the track assignment and scheduling notice. Any allowable remaining paper discovery must be initiated on or before the 180th day and must be completed on or before the 210th day from the date of the track assignment and scheduling notice.

Status Conference. The judge assigned to the case will conduct a status conference for standard track cases. Status conferences will be held within 90 days of the date of the track assignment notice. Each judge will decide on the scheduling of these conferences and the manner in which they are conducted (in person or by telephone). Notice of conferences will be provided by the judge's staff unless the judge includes conference date and time on the track assignment sheet. During the status conference, the court will address discovery limits, exchange of witness, and exhibit lists; anticipate any problems; set future dates as needed; and rule on pending motions.

Optional Final Pre-Trial Conference. The judge may schedule a pre-trial conference 10 days following the completion of discovery if one is needed to resolve any pending issues. The judge will also use this opportunity to set the trial date. Scheduling of pre-trial conferences will be coordinated with the parties. Attorneys may request the judge to schedule a pre-trial conference if they feel one is needed.

<u>Trial Date Assignment</u>. The trial date will be set at the optional pre-trial conference. Attorneys should bring their calendars to the conference and be prepared to set the trial date. Trial dates will be set approximately 60 days into the future. It is anticipated that cases will go to trial approximately 60 - 70 days following the completion of discovery. If an optional pre-trial conference is not held, then the judge or his agent will set the trial date within ten days following the discovery completion deadline.

Trial setting will be forwarded to the case scheduling coordinator of the Court Administrator's Office. The case scheduling coordinator will check trial setting for that date to ensure conflict-free setting. Trial dates will be entered into the computer at least 90 days prior to the trial date in order to facilitate the running of dockets and notices. Trial notices will be run and mailed by the circuit clerk's office 60 days prior to the trial date. If any judge sets a trial date after this period, the judge's staff will be responsible for providing notice of the trial date to all parties.

Complex Track

Typical Cases. The following types of cases would be expected to normally fall within the complex track: certain asbestos cases, securities litigation, class actions, major products liability, construction cases, and other cases which will require a disproportionate expenditure of judicial and litigant resources because of the complexity of issues raised. Cases will be considered ready for track assignment when all defendant(s) have answered, been dismissed, or the plaintiff(s) have taken default judgment. The case processing goal for complex cases is 24 months.

<u>Track Assignment</u>. Within 7 days of being designated ready, the judge will assign the case to a track. All parties will receive a notice stating that their case has been assigned to the complex track. The track assignment notice will also inform the attorneys that a status conference will be held for this case within 60 days from the date of the track assignment notice.

<u>Discovery Limits</u>. To meet the case processing goal and to ensure that discovery is completed in a manner conducive to the timely disposition of the case, the committee sets forth the following discovery limits for complex cases:

Discovery in complex cases will be completed as set out in the case management order by the assigned trial judge. With regard to depositions, there would be no limit during the designated discovery period (per case scheduling order). All paper discovery would be controlled by the case management order.

Status Conference. The trial judge to whom the complex case is assigned will conduct a status conference within 60 days of the date of the track assignment notice. The scheduling of status conferences will be done by the judge's staff in a manner to be determined by the individual judge. It is expected that some judges will conduct telephone conferences while others will conduct conferences personally. Notice of conferences will be provided by the judge's staff unless the judge includes conference date and time on the track assignment sheet.

The trial judge is responsible for directing the progress of litigation and for trying the case. Each party should prepare a case scheduling plan (CSP) draft for the initial status conference. Consulting the prepared drafts, the judge and the parties will jointly complete a case scheduling plan at the status conference. The agreed upon plan will be entered by the court as the case scheduling order (CSO), which includes all events appearing on the CSP and incorporates all dates which are agreed to by all parties. The judge will forward a copy of the order to the circuit clerk for inclusion in the case file. Additional status conferences may be scheduled by the court, as needed, to expedite discovery, limit the issues, and assure steady progress to disposition. Based on projections, each judge will have approximately 100 complex cases per year. In turn, each judge will have approximately 8 or 9 status conferences scheduled each month for complex cases.

Case Scheduling Plan/Order. The process of completing the CSP/CSO facilities the increased efficiency of court scheduling techniques by providing the court with accurate and timely information. The uniqueness of complex cases makes it difficult for the court to provide realistic scheduling without certain information about each individual case. The CSP is a participatory information-gathering process, intended to educate the court and the parties at an early stage about the nature of the case and the schedule of events necessary to meet the needs of the case. The goal of cost-effective, professionally-conducted discovery aimed at a party's pretrial and trial objectives require that discovery be thoroughly planned in advance. An initial discovery plan helps prevent wasted effort and ensures that discovery develops in a systematic manner. Motions to change dates in the CSO should be brought formally to the attention of the court. Despite the CSP\CSO process, needs for extensions due to unavoidable postponements or previously unforeseeable discovery needs will continue to occur.

<u>Final Pre-Trial Conference and Brief.</u> The judge will schedule a pre-trial conference 10 days following the completion of discovery to resolve any pending issues. Scheduling of the pre-trial conference will be coordinated with the parties and notice provided by the judge. One week prior to the conference, the attorneys will jointly submit the following information in the form of a pre-trial brief. Following the conference, the court shall enter a pretrial order addressing the following issues:

- 1. Concise, descriptive statement of the nature of the action.
- 2. Admissions or stipulations of the parties.
- 3. Factual and legal contentions of each party.
- 4. Specification of the issues to be determined at the trial including all special evidence problems.
- 5. Disposition of issues, including evidence issues, as to which there is no reasonably arguable question.
- 6. Identification of issues, if any, to be determined prior to trial by motion or evidentiary hearing and the setting of a schedule therefore.
 - List of the exhibits marked in evidence by consent or by the terms of the order itself.
- 8. Briefing schedule including specifications of the issues to be briefed and the time and manner of filing and service.
 In multi-party litigation, the order of opening and closing.

 Any unusual factors requiring special attention.

11. Any directives concerning discovery.

12. The name of the member or associate of the firm or outside trial counsel who is to try the case for each party. No change in the designated trial counsel shall be made without leave of court if such change will interfere with the trial schedule. If the name of trial counsel is not specifically set forth, the court and opposing counsel shall have the right to expect any partner or associate to proceed with the scheduled trial of the case.

13. Estimated length of trial.

<u>Trial Date Assignment</u>. The trial date will be assigned at the final pre-trial conference. Attorneys should bring their calendars to the conference and be prepared to set the trial date. Trial dates will be set approximately 60 days into the future. It is anticipated that cases will go to trial approximately 60 - 70 days following the completion of discovery.

Trial setting will be forwarded to the case scheduling coordinator of the Court Administrator to ensure conflict-free setting. Trial dates will be entered into the computer at least 90 days prior to trial to ensure timely generation of trial dockets and notices. The circuit clerk's office will prepare and mail trial notices 60 days prior to the trial date. If any judge sets a trial date after this period, the judge's staff will be responsible for providing notice of the trial date to all parties.

SECTION IV ROLE OF PRESIDING CIRCUIT JUDGE

The presiding circuit judge position carries administrative responsibilities in addition to judicial responsibilities. This is especially true in the 10th Judicial Circuit, in which 24 judges, a court administrator, referees, and other court staff must be taken into account. In an effort to spread the workload of the court equally and equitably among the judges, it is recommended that the following cases be assigned to the presiding circuit judge: walk-through workmen's compensation cases, tax appeals cases, unemployment compensation cases, and non-jury district appeals cases. These cases will compose a caseload that will enable the presiding judge to handle the administrative tasks and to efficiently manage judicial responsibilities. An annual analysis should be conducted to review this arrangement and make any necessary adjustments.

SECTION V SCHEDULE OF IMPLEMENTATION

The following schedule is proposed for the implementation of the differential case management plan for the Birmingham Civil Division:

September 5, 1990 - September 7, 1990: Training for all civil judges and court staff.

October 1, 1990 - December 31, 1990: Pending cases will be set and tried from a master calendar.

October 1, 1990: New case filings will be assigned to specific judges by the computer on a random basis. Judges will implement early judicial intervention as called for in the differential case management plan.

January 1, 1991: Begin trying cases from an individual calendar. Any remaining pending cases will be divided equally among all civil judges and set and tried from individual calendars.

\$\$\$\$\$ NO SERVICE NOTICE

CASE NO: CV 90 008000.00 AMERISURE INSURANCE CO VS BISHOP CONSTRUCTION CO

-FROM-POLLY CONRAD (CV) ROOM 313 JEFFERSON CO C BIRMINGHAM A L 35263

IN THE CIRCUIT COURT OF JEFFERSON COUNTY ALABAMA NOTICE DATE: 10/19/90

THE SUMMONS AND COMPLAINT UAS NOT SERVED ON-BISHOP CONSTRUCTION COMPACT OR HAS BEEN RETURNED NOT FOUND. IF NOT FOUND, PLEASE FURNISH THE CIRCUIT CLERKS OFFICE WITH A CORRECTED ADDRESS.
FAILURE TO PERFECT SERVICE WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE UILL RESULT IN THE DISSMISAL OF THE COMPLAINT AGAINST THIS DEFENDANT.

*** ** COURT NOTICE TO ***

FROST, JACKSON M, JR P 0 BOX 1387 2121 HIGHLAND AVE BIRMINGHAM AL

**** NO SERVICE DISMISSAL NOTICE

CASE NO: CV 90 008000.00
AMERISURE INSURANCE CO VS BISHOP CONSTRUCTION CO

-FROM-POLLY CONRADT (CV) ROOM 313 JEFFERSON CO C BIRMINGHAM AL 35263

IN THE CIRCUIT COURT OF JEFFERSON COUNTY ALABAMA NOTICE DATE: 10/19/90

SERVICE HAS NOT BEEN PEXFECTED ON BISHOP CONSTRUCTION COMPA AGAINST THIS DEFENDANT IS HEREBY DISMISSED RE. THE CASE

*** COURT NOTICE TO ***

FROST+ JACKSON M+ JR
P 0 BOX 1387
2121 HIGHLAND AVE
BIRMINGHAM AL

**** NO ANSHER NOTICE

CASE NO: CV 90 008000.00
AMERISURE INSURANCE CO VS BISHOP CONSTRUCTION CO

-FROM-POLLY CONRAD1 (CV) ROOM 313 JEFFERSON CO C BIRMINGHAM AL 35263

IN THE CIRCUIT COURT OF JEFFERSON COUNTY ALABAMA NOTICE DATE: 10/19/90

BISHOP CONSTRUCTION COMPAHAS NOT ANSWERED OR APPEARED.
THE CASE IS NOW READY FOR DEFAULT JUDGMENT AS TO THIS DEFENDANT. IF THE DEFAULT APPLICATION IS NOT FILED WITHIN THIRTY(30) DAYS OF THE DATE OF THIS NOTICE* THIS CASE AGAINST THIS DEFENDANT WILL BE DISMISSED.

*** COURT NOTICE TO ***

FROST* JACKSON M, JR P 0 BOX 1387 2121 HIGHLAND AVE BIRMINGHAM AL .

**** NO ANSWER DISMISSAL NOTICE

CASE NO: CV 90 008000.00
AMERISURE INSURANCE CO VS BISHOP CONSTRUCTION CO

-FROM-POLLY CONRAD1 (CV) ROOM 313 JEFFERSON CO C BIRMINGHAM AL 35263

IN THE CIRCUIT COURT OF JEFFERSON COUNTY ALABAMA NOTICE DATE: 10/19/90

A DEFAULT APPLICATION ON BISHOP CONSTRUCTION COMPAHAS NOT BEEN FILED UITHIN THE SPECIFIED TIME PERIOD.
THEREFORE, THE CASE AGAINST THIS DEFENDANT IS HEREBY DISMISSED.

FROST, JACKSON M, JR P O BOX 1387 2121 HIGHLAND AVE BIRMINGHAM AL

JUDICIAL DATH CENTER ALABAMA THIS IS A COPY OF THE NOTICE THAT WAS MAILED ON THIS CASE. THIS IS THE COPY FOR THE FILE OF CASE # - CV 90 900010.00

** EXPEDITED TRACK ASSIGNMENT-SCHEDULING NOTICE ***

IN THE CIRCUIT COURT OF JEFFERSON COUNTY ALABAMA

PLAINTIFF NUMBER TEN VS DEFENDANT NUMBER TEN

NOTICE DATE: 09/25/90

-FROM-

JOSEPH P. WALKER

COUNTY COURTHOUSE

COUNTY SEAT. ALA. 36789

CASE NO: CV 90 900010.00

DISCOVERY COMPLETED BY-

ANTICIPATED TRIAL MONTH-

ASSIGNED JUDGE-TEST JUDGE

MOTIONS FOR CHANGE IN TRACK ASSIGNMENTS MUST BE FILED WITH THE CIRCUIT CLERKS OFFICE WITHIN TEN DAYS FROM THENOTICE DATE. DISCOVERY SHOULD BE COMPLETED BY THE ABOVE DATE AND IS SUBJECT TO THE DISCOVERY LIMITS ESTABLISHED BY THE DIFFERENTIAL CASE MANAGEMENT PLAN FOLLOWING: NO DEPOSITIONS WILL BE ALLOWED WITH THE EXCEPTION OF PERPETUATION VERSUS DISCOVERY DEPOSITIONS. ADDITIONALLY A LIMIT OF 50 SINGLE-PART PAPER DISCOVERY REQUEST ITEMS ARE ALLOWED WHETHER INVOLVIIJG INTERROGATORIES. REQUEST FOR PRODUCTION OR FOR ADMISSION.

> *** COURT NOTICE TO *** BLACKWELL, PAUL H, JR P 0 BOX 4934

APO

NY

09194

ALL DISCOVERY WILL BE COMPLETED WITHIN 100 DAYS FROM THIS NOTICE DATE.

JUDICIAL DATA CENTER ALACAMA

THIS IS A COPY OF THE NOTICE THAT WAS MAILED ON THIS CASE. THIS IS THE COPY FOR THE FILE OF CASE # - CV 90 900009.00

** STANDARD TRACK ASSIGNMENT-SCHEDULING NOTICE ***

IN THE CIRCUIT COURT OF JEFFERSON COUNTY ALABAMA

PLAINTIFF NUMBER NINE VS DEFENDANT NUMBER NINE

-FROM-

CASE NO: CV 90 900009.00

JOSEPH P. WALKER

DISCOVERY INIT-

COUNTY COVETHOUSE

DISCOVERY COMPLETE-

COUNTY SEAT. ALA. 36789

ANTICIPATED TRIAL-

MOTIONS FOR CHANGE IIU TRACK ASSIGNMENT MUST BE FILED WITH THE CIRCUIT CLERKS OFFICE WITHIN 10 DAYS FROM THE NOTICE DATE. DISCOVERY IS TO DE COMPLETED BY THE ABOVE DATE AND B SUBJECT TO THE FOLLOWING LIMITS: LIMITED TO 6 DEPOSITIONS; ATTORNEYS LIMITED TO 100 SINGLE-PART ITEMS INCLUDING INTERROGATORIES, PRODUCTION OR ADMISSION REQUESTS AND MUST BE COMPLETED WITHIN 100 DAYS FROM THIS NOTICE DATE. ALLOWABLE REMAINING PAPER DISCOVERY TO BE INITIATED ON OR BEFORE THE 210TH DAY FROM THIS NOTICE DATE.

*** COURT NOTICE TO ***

STATUS CONFERENCE:

BLACKWELL. PAUL H, JR

DATE:

P 0 BOX 4934

TIME:

LOCATION:

APO

NY 09194

THE ASSIGNED JUDGE WILL CONDUCT A STATUS CONFERENCE WITHIN 50 DAYS FROM THIS NOTICE DATE. IF 'THIS. NOTICE DOES NOT SPECIFY A CONFERENCE. THE JUDGE WILL CONTACT YOU TO SCHEDULE SAID CONFERENCE.

GATE PREPARED- 09/26/90

JUDICIAL DATA CFNTFR ALABAMA THIS IS A COPY OF THE NOTICE THAT WAS MAILED ON THIS CASE. THIS IS THE COPY FOR THE FILE OF CASE # - CV 90 900011.00

COMPLEX TRACK ASSIGNMENT-SCHEDULING NOTICE ***

IN THE CIRCUIT COURT OF JEFFERSON COUNTY ALABAMA

PLAINTIFF NUMBER ELEVEN VS DEFENDANT NUMCER ELEVEN

-FROM-

CASE NO: CV 90 700011.00

JOSEPH P. WALKER

NOTICE DATE: 09/26/90

COUNTY COURTHOUSE

COUNTY SEAT, ALA. 26799

ASSIGNED JUDGE-TEST JUDGE

MOTIONS FOR CHANGE IN TRACK ASSIGNMENTS MUST BE FILED WITH THE CIRCUIT CLERKS OFFICE WITHIN TEN DAYS FROM THE NOTICE DATE. THE ASSIGNED JUDGE WILL CONDUCT A STATUS CONFERENCE WITHIN 60 GAYS FROM THIS NOTICE DATE. IF THIS NOTICE DOES NOT SPECIFY A DATE AND TIME FOR THE STATUS CONFERENCE. THE JUDGE WILL CONTACT YOU TO SCHEDULE A CONFERENCE. ATTORNEYS SHOULD BRING A COMPLETED CASE SCHEDULING PLAN DRAFT TO CONSULT DURING THE CONFERENCE.

*** COURT NOTICE TO *** STATUS CONFERENCE:

BLACKWELL, PAUL H, JR

TIME:

P **D** BOX 4934

DATE:

LOCATION:

APO

NY 09194

THE STATUS CONFERENCE WILL BE USED TO JOINTLY FINALIZE THE CASE SCHEDULING PLAN. WHICH BECOMES THE CASE SCHEDULING ORDER TO BE FOLLOWED BY THE COURT AND ALL PARTIES.

DATE PREPARED- 09/26/90